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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,035	07/16/2003	Mihir Y. Sambhus	03226.511001;SUN030087	2254
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OSHA LIANG L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			EXAMINER MYINT, DENNIS Y	
			ART UNIT	PAPER NUMBER
			2162	
			NOTIFICATION DATE	DELIVERY MODE
			02/25/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/622,035

Applicant(s)

SAMBHUS ET AL.

Examiner

Dennis Myint

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

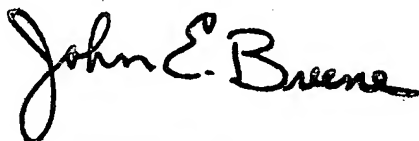
DETAILED ACTION

1. In view of the Pre-Appeal Brief filed on September 27, 2007, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.



JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

(John Breene)

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required.

Claim 29 in line 1 recites "a computer usable medium". However, the specification fails to provide proper antecedent for said claim limitation "a computer usable medium".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 5, 29, 30, 33, and 34 are rejected 35 U.S.C. 103(a) as being unpatentable over Hesmer et al., (hereinafter "Hesmer", U.S. Patent Application Number 2004/0030795) in view of Ndili (U.S. Patent Application Publication Number 2005/0096019) and further in view of Leamon (hereinafter "Leamon", U.S. Patent Application Publication Number 2002/0107891).

As per claim 1, Hesmer is directed to a method for providing customizable client aware content aggregation and rendering in a portal server (Hesmer, Paragraph 000, i.e., *the present invention provides a method, system and program product for inserting targeted content into a portlet content stream. Specifically, the present invention provides a portal program that includes a container-managed portlet filter for inserting targeted web content into a portlet content stream based on a desired display mode of the portal user; and Figure 3 of Hesmer*) and teaches the limitations:

"receiving a request" (Hesmer, Paragraph 0030, i.e., **user 42** will communicate with computer system 20 to obtain/view web content from content providers 44. Specifically, **user 42 can accesses a portal page** (as shown in FIG. 1) by interfacing with computer system 20 Figure 2 of Hesmer, i.e., **USER 42**; Particularly note the double-headed arrow which connects the USER and the COMPUTER SYSTEM 20; In addition, note paragraph 0032 of Hesmer which recites *If user 42 selects a particular*

link, he/she has deliberately entered view mode for the spawned web page. In such an event, it can be presumed that user 42 is focusing on the spawned web page and portlet filter 38 will insert the targeted content into the content stream 46. Once portlet filter 38 has inserted any targeted content, stream(s) 48 are outputted to aggregator 38, which will organize (i.e., aggregate) **the stream(s) 48** into portal page 50 for display to user 42), "by the portal server", (Hesmer, Figure 2, i.e., **COMPUTER SYSTEM 20**; Hesmer, Paragraph 0029, i.e., *It should be understood that **computer system 20** is intended to be representative of any type of computerized system that **can provide web content to user 42**. Examples include a server, a client, a workstation, a laptop, a personal digital assistant, etc. To this extent, computer system 20 could be a system directly accessed by user 42 (e.g., home or office computer), or a web server operating in a location remote from user 42), "to provide a first channel of content and a second channel of content" (Hesmer, Figure 2, i.e., **COMPUTER SYSTEM 20**; Hesmer, Paragraph 0029, i.e., *It should be understood that **computer system 20** is intended to be representative of any type of computerized system that **can provide web content to user 42***; Hesmer, Figure 2, i.e., **CONTENT PROVIDERS 44** and **Portlets 40**; Hesmer, Figure 3, i.e., **CONTENT PROVIDERS 44** and **Portlets 40**; Paragraph 0032, i.e., *web content is obtained **from content providers 44 by program portlets 40**. Each program portlet 40 then outputs its respective web content as a separate portlet content stream 46 of markup, all of which are ultimately organized by aggregator 36 into portal page 50*; Each portlet of portlets 40 of Hesmer represent a channel of content of the claimed invention. As such, there more than one channels of content, out of which any two*

channels content (any two portlets) are "a first channel of content" and "a second channel of content");

"obtaining a first markup of the first channel of content and a second markup of the second channel of content", "wherein the first markup is encoded in a generic markup language" (Hesmer, Hesmer, Figure 2, i.e., *CONTENT PROVIDERS 44* and *Portlets 40* ; Hesmer, Figure 3, i.e., *CONTENT PROVIDERS 44* and *Portlets 40*; and Paragraph 0030, i.e., *The content displayed in each visual portlet in the portal page is obtained from content providers 44 by the program portlets 40. The program portlets 40 will then each output a content stream of markup (e.g., HTML). The streams are ultimately organized by aggregator 36 into the appropriate visual portlets for display as the portal page*); Note that HTML is a generic markup language);

"aggregating (markups) to create a front page and communicating the front page to an (the) access device" (Hesmer, Figure 2, i.e., *AGGREG 36*; Figure 3, i.e., *AGGREGATOR 36*; Hesmer, Paragraph 0030, i.e., *The streams are ultimately organized by aggregator 36 into the appropriate visual portlets for display as the portal page*); Hesmer, Figure 2, i.e., *USER 42* and Figure 3 *USER 42*; Note that the USER accesses the web portal server (COMPUTER SYSTEM 20 OF FIGURE 2) using a device such as a personal computer;).

Hesmer does not explicitly teach the limitations: "the second markup is encoded in a device-specific markup language associated with an access device" and "forwarding the first mark up to a rendering engine to obtain a third markup of the first

channel of content, wherein the third markup is encoded in the device-specific markup language".

On the other hand, Ndili teaches the limitations:

"the second markup is encoded in a device-specific markup language associated with an access device" (Ndili, Paragraph 0021, i.e., *In one specific implementation, the mobile device is WAP enabled and programmed in a **Handheld Device Markup Language (HDML)**. The WAP device is coupleable to the conversion engine to retrieve information from network sites that are otherwise programmed to communicate with mobile devices using Compact Hypertext Markup Language (CHTML).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Hesmer to add the feature of using a markup language which is device-specific, as taught by Ndili, so that, in the resultant method, the second markup would be encoded in a device-specific markup language associated with an access device. Note that in the method of Hesmer in view of Ndili, the end user (Figure 3, USER 42 of Hesmer) would be using the mobile device of Ndili which makes use of HDML. One would have been motivated to do so in order to "provide content to mobile devices using the language" which is used by the mobile devices (Ndili, Paragraph 0006).

Hesmer in view of Ndili does not explicitly teach the limitation: "forwarding the first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language".

On the other hand, Leamon teaches the limitation:

"forwarding the first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language"(Leamon, Figure 2A, i.e., *Rendering Engine 60*; Figure 4, i.e., *Rendering Engine 60* (in detail in a blown-up diagram); Paragraph 0025, i.e., *The client 40A originates a request 100 for information over the network. The request 100 is received at the rendering engine 60. The rendering engine 60 identifies in step 102, the device that originated the request by reading a code embedded in the request. The rendering engine 60 fetches in step 104, the content requested by the user message. The content is formatted in the standard language. The fetch may acquire the content from the proprietary application or from an independent content provider that also formats its information in the selected standard markup language format, shown here as XHTML. In some embodiments, the independent content provider maintains several forms of content applicable to different classes of devices. For example, the independent content provider may maintain and return content that is appropriate for small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content*". Said disclosure of Leamon teaches more than one channel of content, that is, several channels of content. Said disclosures by Leamon teach a rendering engine, which produce a third markup language, which is device-specific. Even more, Paragraph 0026 of Leamon discloses producing a third mark-up language, which is device-specific, as **While the content is being acquired, in step 106,**

the transformer object for the client 40A that sent the information request is obtained. As shown in Figure 3, the transformer object is customized for the particular device and browser that will display the information to the user).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Hesmer in view Ndili to add the feature of forwarding a first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language, as taught by Leamon, so that the resultant would forward the first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language, aggregate the second markup language and the third mark up to create a front page (Hesmer, Figure 2, i.e., *AGGREG 36*; Figure 3, i.e., *AGGREGATOR 36*) and communicate the front page to the access device (Paragraph 0030, i.e., *The streams are ultimately organized by aggregator 36 into the appropriate visual portlets for display as the portal page*; Note that in the method of Hesmer in view of Ndili, the end user (Figure 3, USER 42 of Hesmer) would be using the mobile device of Ndili which makes use of HDML).

Referring to claim 5, Hesmer in view of Ndili and further in view of Leamon teaches the limitation:

"the rendering engine creates the third markup language using a file path pointing to the device-specific markup language" (Leamon, Paragraph 0020 and Figure 2A *Rendering Engine 60*; *The rendering engine 60 operates on the pre-formatted*

information by passing it through a format transformation process designed to reformat the information into a display format compatible with the particular client 40A that requested the information).

Claim 29 is essentially the same as claim 1 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 30 is essentially the same as claim 5 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 33 is essentially the same as claim 1 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

Claim 34 is essentially the same as claim 5 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

6. Claims 6, 31, and 35 are rejected 35 U.S.C. 103(a) as being unpatentable over Hesmer in view of Ndili and further in view of Leamon and further in view of Barker et al. (hereinafter "Barker") (U.S. Patent Number 6781609).

As per claim 6, Hesmer in view of Ndili and further in view of Leamon does not explicitly teach the limitation: "wherein the generic markup language is abstract markup language".

Barker teaches the limitation:

"wherein the generic markup language is abstract markup language" (Column 4 Lines 40-44, i.e., *an abstract UI markup language*).

At the time the invention made, it would have been obvious to a person of ordinary skill in the art to add the feature of using an abstract markup language to the method of Hesmer in view of Ndili and further in view of Leamon so that the resultant method would comprise an abstract markup language. One would have been motivated to do so because abstract languages are generic languages and could be extended into particular languages, which is well known in the art.

Claim 31 is essentially the same as claim 6 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 35 is essentially the same as claim 6 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

7. Claims 28, 32, and 36 are rejected 35 U.S.C. 103(a) as being unpatentable over Hesmer in view of Ndili and further in view of Leamon and further in view of Nielsen (U.S. Patent Application Publication Number 2004/0205567).

As per claim 28, Hesmer in view of Ndili and further in view of Leamon does not explicitly teach the limitation: "wherein the third markup language is dynamically rendered at runtime when access device is in use".

Nielsen teaches the limitation:

"wherein the third markup language is dynamically rendered at runtime when access device is in use" (Abstract: *A method for dynamically modifying a mark-up language document (e.g. an XML test suite file) during runtime with data unavailable when the mark-up language document is created*).

At the time the invention was made, it would have been obvious to add the feature of dynamically rendering a markup language at runtime, as taught by Nielsen, to the method of Hesmer in view of Ndili and further in view of Leamon so that the resultant method would dynamically render the third markup language at runtime. One would have been motivated to do so because dynamically rendering a language at

runtime provides efficient execution of computer codes by reducing the compiling time, which is well known in the art. (for example, Java run-time compiler and JIT in C Sharp).

Claim 32 is essentially the same as claim 28 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 36 is essentially the same as claim 28 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

Response to Arguments

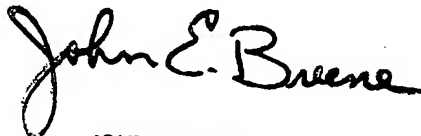
8. Applicant's arguments filed on September 27, 2007, **have** been fully considered but are moot in view of the new ground(s) of rejection.


Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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